

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAMRON JAY ONEAL HENDRICKS,

Plaintiff,

Docket No.:

-against-

Petition for Removal

NELSON E. PERDOMO and ABLN TRUCKING,

Defendants.

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**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

1. On May 10, 2022, a Summons and Complaint was filed in the Supreme Court of the State of New York, County of Bronx, and thereafter served upon defendants at their corporate office and his residence respectively. NELSON E. PERDOMO and ABLN TRUCKING were served on May 13, 2022. The index number previously procured by plaintiff is 807160/2022. No further proceedings have been had herein.

2. The above-described action is a civil action for which the Court has jurisdiction under 28 U.S.C. §1332(a)(1) and is one which may be removed to this Court by the Petitioner/Defendants herein pursuant to the provision of 28 U.S.C.A §1441(a).

3. Plaintiff alleges in his complaint that he has his residence at 3063 Grace Avenue, Bronx, New York. A copy of the Summons and Complaint and Affidavits of Services are annexed hereto as Exhibit "A." The Court's jurisdiction is based upon diversity of citizenship as provided in 28 U.S.C. §1332(a)(i) in that the Plaintiff and all Defendants are citizens of different states. ABLN Trucking has its principal place of business at 121 Jacques Street, Elizabeth, NJ

07201 and its sole member Nelson E. Perdomo has his residence at 121 Jacques Street, Elizabeth, NJ 07201. ABLN Trucking was formed in New Jersey.

4. Moreover, the amount in controversy exceeds \$75,000.00 in that plaintiff is demanding is excess of \$75,000 to resolve their claims. In support of this allegation, defendants' insurance carrier, Progressive Casualty Insurance Company has advised that an offer to settle the case for \$135,000 was made on June 9, 2022. Plaintiff counsel's settlement demand as of June 9, 2022 is in excess of \$500,000.

5. Petitioner/Defendants will pay all costs and disbursements incurred by reason of the removal proceedings hereby brought should it be determined that this action is not removable or is improperly removed.

6. Venue in the Southern District of New York is proper pursuant to 28 U.S.C. Section 112 and 28 U.S.C. Section 1391(a).

WHEREFORE, Petitioner prays that the above action now pending against it in the Supreme Court of the State of New York, County of Bronx be removed therefrom to the United States District Court for the Southern District of New York in accordance with 28 U.S.C.A §1441(a) and 1446.

Dated: Farmingdale, New York
June 13, 2022

CARMAN, CALLAHAN & INGHAM, LLP



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